

REMARKS

Claims 15-46 are pending and rejected. Claim 29 has been withdrawn.

Claims 15, 16, 30, 31, 33, 37, 40, 41, and 43 are amended.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 15-46 are rejected under 35 U.S.C. §112 ¶1 as not enabled. Applicants respectfully disagree and request reconsideration for the following reasons.

The claims have been amended to require a photosensitizing method. The specification describes the claimed compound as a photosensitizer (e.g., "An effective amount of a sulfenate photosensitizer having the formula ...is administered to a subject (page 7, line 21 to page 8, line 1); "The photosensitizer is allowed to accumulate in target tissue which is exposed to light of wavelength ..."; thus, the method using the compound is necessarily a photosensitizing method. Attached as part of this Amendment is a Declaration under 37 C.F.R. §1.132 with data further evidencing photosensitization by the claimed sulfenate/chromophore. Applicants believe this amendment completely overcomes the rejection under 35 U.S.C. §112 ¶1 and respectfully requests its withdrawal.

The Examiner's remarks regarding oxygen (present Office Action, bottom of page 5) indicate a lack of appreciation that applicant's claimed photosensitizing method operates by a type 1 mechanism, by definition, this method does not require oxygen ("The present invention discloses novel aromatic sulfenates that react mainly by a type 1 mechanism... page 6, lines 11-12, and description of Type 1 mechanism at page 3, lines 10-12). Applicants believe this amendment

completely overcomes the rejection under 35 U.S.C. §112 ¶1 and respectfully requests its withdrawal.

Claims 15-46 are rejected under 35 U.S.C. §112 ¶2 as indefinite. Applicants respectfully disagree and request reconsideration for the following reasons.

The Examiner noted six points under this rejection. Applicants have amended the claims to clarify "effective amount", addressing the first and sixth points. Applicant has withdrawn claim 29, addressing the second and third points. Applicants have amended the claims as suggested in the fourth point to address this point. Applicants note that claimed formulation is a further limitation on the method recited in the independent claim, and assert proper claim dependency, addressing the fifth point.

CONCLUSION

For the foregoing reasons, applicants' invention is believed to be patentable and a Notice of Allowance is respectfully requested.

Applicants have submitted a Petition for Extension of Time with this Amendment and authorize fees for a three-month extension to be charged to Deposit Account No. 23-3000. If any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

The Examiner may contact the undersigned representative with any questions.

Respectfully submitted,

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